

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed July 16, 2008. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 19 and 20 have been canceled without prejudice to further prosecution on the merits. Claims 1, 3-5, 9 and 11-18 have been amended. New Claims 21 and 22 have been added. No new matter has been added. Accordingly, Claims 1-18 and 21-22 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 112

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 3, 5, 9, 15, 17 and 19 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to Claim 3, the Examiner alleged that the phrase “direction-of-rotation-dependent-lockability” is confusing and sufficiently broad to render the claim indefinite. The Examiner concluded that the phrase could be interpreted as meaning a “device which locks the armrest in any rotational direction, including both or neither.” Applicant has amended Claim 3 to recite that “the control device allows the component to be rotated in a first direction and to be locked in an opposite second direction.”

With regard to Claim 5, the Examiner noted that there is insufficient antecedent basis for the limitation “the control device” in Claim 3. Applicant thanks the Examiner for noting this typographical error. However, this rejection is now moot because Applicant has amended independent Claim 1 to recite “a control device.”

With regard to Claim 9, the Examiner alleged that the phrase “range of rotation” is ambiguous and sufficiently broad to render the claim indefinite. The Examiner concluded that “the phrase could refer to the range of rotation of the armrest, the first component, or the

second component.” In response, Applicant has amended Claim 9 to clarify that the phrase “range of rotation” refers to the first component.

With regard to Claims 9 and 15, the Examiner noted that both claims recite a spring, but appear to be referring to two distinct springs. The Examiner suggested that they should be named so as to prevent any confusion between the two. In accordance with the Examiner’s suggestion, Applicant has amended Claim 9 to recite a “first spring” and Claim 15 to recite a “second spring.”

With regard to Claim 17, the Examiner noted that there is insufficient antecedent basis for the limitation “the control device” in Claim 17. Applicant thanks the Examiner for noting this typographical error. However, this rejection is now moot because Applicant has amended independent Claim 9 to recite “a control device.”

With regard to Claim 19, the Examiner indicated that “there appears to be a typographical error since the limitation of the second position being located at an intermediate position between the first and second positions does not make sense.” This rejection is now moot because Applicant has canceled Claim 19 without prejudice to further prosecution on the merits.

As indicated above, each rejection under 35 U.S.C. § 112, ¶ 2 has been addressed. Accordingly, Applicant respectfully requests withdrawal of the rejection to Claims 3, 5, 9, 15, 17 and 19 under 35 U.S.C. § 112, ¶ 2.

Claim Rejections – 35 U.S.C. § 102(b)

On pages 3-6 of the Detailed Action, the Examiner rejected Claims 1-14 and 16-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 20020096928 to Bidare (“Bidare”). This rejection should be withdrawn because Bidare fails to disclose, teach or suggest the claimed inventions.

For example, independent Claim 1 (as amended) recites a “device for adjusting the angle of a component” comprising, among other elements, a “control device being externally

toothed and arranged such that the control device interacts with [a] first locking toothing to rotationally fix the control device relative to the first locking toothing.”

Similarly, independent Claim 9 (as amended) recites a “locking mechanism for an armrest” comprising, among other elements, a “control device having a locking toothing which interacts with the set of internal teeth to rotationally fix the control device relative to the second component.”

Bidare fails to disclose, teach or suggest such a device or mechanism.

In rejecting Claims 3 and 5, the Examiner stated that Bidare discloses an “externally toothed control device 86 (with external tooth 88 meeting the limitation of being externally toothed and arranged to interact with the first peripheral internal locking toothing 48, located on the periphery of an inner part of the mechanism).” Applicant submits that the function of the “cam spring portion 86” and the “rounded index tooth 88” disclosed in Bidare is completely different than the function of the toothing of the claimed control device. To clarify this function, Applicant has amended independent Claims 1 and 9 to recite that the toothing of the control device interacts with the internal toothing to “rotationally fix the control device relative to the first locking toothing (as recited in Claim 1) or the second component (as recited in Claim 9).” The “rounded index tooth 88” of Bidare does not perform such a function. In contrast, the “rounded index tooth 88 indexes along the sector teeth 48 while setting a new comfort position.” According, Bidare does not disclose, teach or suggest the control device recited in independent Claims 1 or 9.

Accordingly, Applicant respectfully requests withdrawal of the rejection of independent Claims 1 and 9 because at least one element of such claims is not disclosed, taught or suggested by Bidare. Claims 2-8, as they depend from Claim 1, and Claims 10-18, as they depend from Claim 9, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 1-14 and 16-20 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103(a)

On page 3 of the Detailed Action, the Examiner rejected Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Bidare. Claim 15 depends from independent Claim 9, which has been amended to recite subject matter that Applicant believes is patentable over Bidare. As such, Claim 15 is allowable therewith for at least the reason of its dependency, without regard to the further patentable subject matter set forth in such claim. Reconsideration and withdrawal of the rejection of Claim 15 is respectfully requested.

New Claims

Applicant has added new Claims 21 and 22 to provide claims of varying scope. Applicant submits that independent Claim 21 recites a combination of subject matter that is allowable in view of the prior art of record.

For example, independent Claim 21 recites a “device for adjusting the angle of an armrest that is rotatable in a first direction and an opposite second direction” comprising, among other elements, a “spring interacting with the rocking lever and configured to set the rocking lever in both the stable locking position and the stable release position, the spring being configured to set the rocking lever in the stable locking position when the armrest is in a first angular position and to set the rocking lever in the stable release position when the armrest is in a second angular position” and that “when the rocking lever is in the stable locking position, the armrest is configured to be rotatable in the first direction and to be locked with respect to movement in the second direction.”

Bidare does not disclose, teach or suggest a device. Accordingly, allowance of new Claims 21 and 22 is respectfully requested.

* * *

Applicant believes that the present Application is now in condition for allowance. In particular, even when the elements of Applicant’s claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach,

disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that another telephone interview would advance the prosecution of the present Application. Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5349
Facsimile: (202) 672-5399

Andrew E. Rawlins
Attorney for Applicant
Registration No. 34,702